

40-10-19 Information provided by permittees to division -- Inspections by division -- Signs required at operations entrances -- Violations reported by reclamation officers -- Copies of records and reports available to public.

- (1) For the purpose of developing, administering, and enforcing any permit under this chapter, or of determining whether any person is in violation of any requirement of this chapter, the division shall require any permittee to provide information relative to surface coal mining and reclamation operations as the division deems reasonable and necessary in the division's rules.
- (2) The authorized representatives of the division, without advance notice and upon presentation of appropriate credentials:
 - (a) shall have the right of entry into, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under Subsection (2) are located; and
 - (b) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this chapter. As required by Subsection 40-8-17(2), this entry and access are conditions to obtaining an approved state permit to conduct surface mining operations.
- (3) The inspections by the division shall:
 - (a) occur on an irregular basis averaging not less than one partial inspection per month and one complete inspection per calendar quarter for the surface coal mining and reclamation operation covered by each permit;
 - (b) occur without prior notice to the permittee or his agents or employees except for necessary onsite meetings with the permittee; and
 - (c) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this chapter.
- (4) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible sign which sets forth the names, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.
- (5) Each reclamation officer, upon detection of each violation of any requirement of this chapter, shall forthwith inform the operator in writing and shall report in writing the violation to the division.
- (6) Copies of any records, reports, inspection materials, or information obtained under this chapter by the division shall be made immediately available to the public.

Amended by Chapter 219, 1994 General Session